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**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the Reissue Application of:
THOMAS J. SHAW

For Reissue of U.S. Patent 5,810,775

Issued September 22, 1998

Serial No. 08/862,849

Filing Date: September 19, 2000

Serial No.: 09/665,634

For CAP OPERATED RETRACTABLE

MEDICAL DEVICE

And Harita 2702

Group Art Unit: 3763

Examiner: Rodriguez

RECEIVED

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**TECHNOLOGY CENTER R3700** 

## CERTIFICATE OF FIRST CLASS MAILING

Via First Class Mail

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

I hereby certify that the papers enclosed herein are being deposited with the United States Postal Service as First Class Mail, with postage prepaid, on the date set forth below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 26, 2004

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Date of Mailing

Signature

Date of Signature

Kristen R. Paris, Registration No. 52,092 Attorney for Applicant

## RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR § 1.121)

This paper is in response to a telephone conversation with examiner Cris L. Rodriguez on January 26, 2004, and in response to a Notice of Non-Compliant Amendment (37 CFR § 1.121) ("Notice") dated January 13, 2004.

The Notice states that the amendment document applicant filed on December 15, 2003 is considered non-compliant because it failed to meet the requirements of 37 CFR

§1.121. Specifically, the lack of a complete listing of all the claims caused the amendment document to be non-compliant.

However, the pending patent application is a reissue application and 37 CFR §1.121 explicitly excludes reissue applications. Further, the amendment document filed by applicant on December 15, 2003 complied with 37 CFR §1.173, which applies to reissue amendments and does not require a complete listing of all the claims. Therefore, the December 15, 2003 amendment document is compliant under 37 CFR §1.173. Accordingly, applicant requests that the Notice be withdrawn.

Respectfully submitted,

Kristen R. Paris

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